IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
WRIT PETITION NO. 607 (MS) OF 2006

Rakam Singh,
S/o Atar Singh,
R/o Village Dhadeki,
Dhana Mazahidpur,
Pargana-Manglor,
Tehsil-Laksar Distt. Haridwar. .....Petitioner.

Versus

1. Civil Judge, (J.D.), Laksar, Distt. Haridwar.
2. Smt. Bagvati, W/o late Sri Prakash,
3. Rohitash,
4. Mangan Pal,
   Both 3 and 4 sons of late Sri Prakash, all 2 to 4 are R/o Village Dhadeki Dhana Mazahidpur, Pargana-Manglor,
   Tehsil-Laksar, Distt. Haridwar. .....Respondents.

Dated: 19.05.2006

Hon'ble Rajesh Tandon, J.

Heard Sri M.S. Tyagi, Advocate for the petitioner and Standing Counsel for the respondent no. 1. Both the parties have agreed that let the writ petition be finally disposed of at the admission stage.

By the present writ petition, the petitioner has prayed for a mandamus commanding the respondent no.1 to decide Application 7 C 2 under order 39 Rules 1 and 2 and Section 151 of C.P.C. in Suit No. 20/2005.

Briefly stated, the petitioner filed a suit being Suit No. 20 of 2005 in the Court of respondent no.1 for permanent injunction restraining the respondents from encroaching upon the Chakroad Khasra No. 669 area 0.115 hect., which leads to the Chak of the petitioner and is the only way.

Petitioner along with the Suit also filed an application under Order 39 Rule 1 and 2 and Section 151 of C.P.C. for temporary injunction.

The petitioner has confined his prayer for disposal of the application 7 C 2 under Order 39 Rules 1 and 2 and Section 151 of C.P.C.

However, the respondent no. 1 is directed to decide the application 7 C 2 under Order 39 Rules 1 and 2 and Section 151 of C.P.C. within a period of two months from the date of production of the certified copy of the order.

Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

19.05.2006
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